

**DRAFT -- DRAFT -- DRAFT**

# **Model Administrative Rules**



***Louisiana Secretary of State  
Uniform Commercial Code Division***

July, 2001

# **Model Administrative Rules Uniform Commercial Code Division**

## **Table of Contents**

### **General Provisions**

Policy Statement	1
Singular and Plural Forms	2
Place to File	2
Filing Office Identification	2
Office Hours	2
Document Delivery	2
Search Request Delivery	3
Approved Forms	3
Form Suppliers	3
Filing Fees	3
Method of Payment	4
Overpayment/Underpayment Policies	4
Public Records Service	4
New Practices & Technologies	4

### **Acceptance and Refusal of Records**

Policy Statement	4
Duty to File	5
Grounds for Refusal	5
Time Limit	6
Procedure Upon Refusal	6
Acknowledgment	6
Notification of Defects	6

### **UCC Information Management System**

Policy Statement	6
Primary Data Elements	6
Individual Debtors	7
Organizational Debtors	8
Estates	8
Trusts	8
Status of Parties/Initial Financing Statement & Subsequent Filings	8

### **Filing and Data Entry Procedures**

Policy Stat	10
Document Indexing	11
Filing Date	11
Filing Time	11

Lapse Date and Time	11
Errors of the Filing Officer	11
Errors Other than Filing Office Error	12
Data Entry of Names - Designated Fields	12
Date Entry of Names - Non-Designated Fields	12
Verification of Data Entry	13
Initial Financing Statement	14
Amendment	14
Debtor Correction Statement	14
Master Assignment/Amendment	14
Notice of Bankruptcy	14

## **Search Requests and Reports**

General Requirements	15
Search Requests	15
Optional Information	15
Rules Applied to Search Requests	15
Search Responses	16

**Model Administrative Rules**  
**Uniform Commercial Code Division**

**Section 1 -- General Provisions**

100 Policy Statement

1) The administration of the UCC has an important impact on the economy and upon the rights of the public, in this state and in the United States. The volume of international, interstate and multistate transactions pursuant to the UCC requires that the administration of the UCC be conducted in a manner that promotes both local and multi-jurisdictional commerce by striving for uniformity in policies and procedures among the various states.

2) Pursuant to La. R.S. 9-526, enacted as part of the revision of UCC Article 9, the interpretation and implementation of the filing office's duties and responsibilities shall be expressed in a written set of administrative rules. In striving for uniformity among the other states, the most recent version of the Model Rules promulgated by the International Association of Corporate Administrators was used as a guide for these rules.

101 Definitions

101.1 "Amendment" means a UCC record that amends the information contained in a financing statement. Amendments include assignments, continuations and terminations.

101.2 "Assignment" is an amendment that assigns all or a part of a secured party's power to authorize an amendment to a financing statement.

101.3 "Continuation statement" means an amendment of a financing statement which: (a) identifies, by its file number, the initial financing statement to which it relates; and (b) indicates that it is a continuation statement for, or that it is filed to continue the effectiveness of, the identified financing statement.

101.4 "Debtor correction statement" means a UCC record that indicates that a financing statement is inaccurate or wrongfully filed.

101.5 "File number" means a unique number assigned by the filing office to a filed record.

101.6 "Filing office" means, if the local law of this State governs perfection of a security interest or agricultural lien, the office in which to file a financing statement to perfect the security interest or agricultural lien, which is:

- (1) the Department of Public Safety and Corrections, office of motor vehicles, if the collateral is a titled motor vehicle not held as inventory for sale or lease.
- (2) the clerk of court of any parish, or, in the case of Orleans Parish, with the recorder of mortgages, in all other cases.

101.7 "Filing officer correction statement" means a statement of correction entered into the filing office's information system to correct an error by the filing office.

101.8 "Financing Statement" means a record or records composed of an initial financing statement and any filed record relating to the initial financing statement.

101.9 "Individual" means a human being, or a decedent in the case of a debtor that is such decedent's estate.

101.10 "Initial financing statement" means a UCC record containing the information required to be in an initial financing statement and that causes the filing office to establish the initial record of existence of a financing statement.

101.11 “Organization” means a legal person who is not an individual.

101.12 “Remitter” means a person who tenders a UCC record to the filing officer for filing, whether the person is a filer or an agent of a filer responsible for tendering the record for filing. “Remitter” does not include a person responsible merely for the delivery of the record to the filing office, such as postal service or a courier service but does include a service provider who acts as a filer’s representative in the filing process.

101.13 “Secured party of record” a) with respect to a financing statement is a person whose name is provided as the name of the secured party or a representative of a secured party in an initial financing statement that has been filed. If an initial financing statement is filed under R.S. 10:9-514(a), the assignee named in the initial financing statement is the secured party of record with respect to the financing statement. b) If an amendment of a financing statement which provides the name of a person as a secured party or a representative of a secured party is filed, the person named in the amendment is a secured party of record. If an amendment is filed under R.S. 10:9-514 (b), the assignee named in the amendment is a secured party of record. c) A person remains a secured party of record until the filing of an amendment of the financing statement which deletes the person.

101.14 “Termination statement ” means an amendment of a financing statement which: a) identifies, by its file number, the initial financing statement to which it relates; and b) indicates either that it is a termination statement or that the identified financing statement is no longer effective.

101.15 “UCC” means the Uniform Commercial Code as adopted in this state.

101.16 “UCC record” means an initial financing statement, an amendment, an assignment, a continuation, a termination, a debtor correction statement, or a filing officer statement and shall not be deemed to refer exclusively to paper or paper-based writings.

102. Singular and plural forms. Singular nouns shall include the plural form, and plural nouns shall include the singular form, unless the context otherwise requires.
103. Place to file. If the local law of this State governs perfection of a security interest or agricultural lien, the office in which to file a financing statement to perfect the security interest or agricultural lien is:
- 1) the Department of Public Safety and Corrections, office of motor vehicles, if the collateral is a titled motor vehicle not held as inventory for sale or lease, or
  - 2) the clerk of court of any parish, or, in the case of Orleans Parish, with the recorder of mortgages, in all other cases.
104. Filing office identification. In addition to the promulgation of these rules, filing office information regarding locations, mailing addresses, telephone and fax numbers are provided in Attachment “A”.
105. Office hours. Operating hours for the various filing offices may be obtained by calling the numbers provided on Attachment A.
106. UCC document delivery. UCC documents may be tendered for filing at the filing office as follows:
- 1) personal delivery, at the filing office’s street address,
  - 2) courier delivery, at the filing office’s street address, or
  - 3) postal service delivery, to the filing office’s mailing address.

107. Search request delivery. UCC search requests may be delivered to the filing office by any of the means by which UCC records may be delivered to the filing office. A search request for a debtor named on an initial financing statement may be made on the initial financing statement form if the form is accepted and the relevant search fee is also tendered.
108. Approved forms. A filing office that accepts written records may not refuse to accept a Uniform Commercial Code Filing Form in any format approved by the secretary of state.
109. Reserved
110. Form suppliers. A list of form vendors who supply the UCC forms approved by the secretary of state are provided in Attachment “B”.
111. Filing fees:  
Fees reflected below are calculated on filer using the approved forms as stated in **108. Approved forms**. An additional \$15 nonstandard fee is assessed if any other UCC form is used.

**UCC-1 - One Debtor – fees reflected below include a \$5 prepaid termination fee.**

Financing Statement	\$30
Financing Statement with Assignment	\$35
Financing Statement relative to “as extracted collateral” or fixture filings	\$40
Financing Statement (Transmitting Utility)	\$205
Financing Statement (Public Finance)	\$105
Attachments	\$2 per page
Additional Debtor Names	\$5 ea.
Nonstandard Form Penalty	\$15

**UCC-3 - One Debtor**

**(Note: A separate UCC-3 form must be submitted for each action requested)**

Amendment	\$25
Amendment adding additional debtors	\$10/each
Continuation	\$25
Assignment	\$25
Debtor Correction	\$25
Termination (\$5 fee paid at time of original filing)	N/A
Additional Debtors Named on Original	\$5/each
Master Assignment/Amendment	\$5 per financing statement

**UCC-11 UCC Search**

UCC Certificate	\$30
Additional \$1 for each listing more than ten	
Copies of Documents	\$2 per page
Certification of Copies	\$5

112. Reserved

113. Method of Payment. Filing fees for public records services may be paid by the following methods.
- 113.1 Cash. Payment in cash shall be accepted if paid in person at the filing office.
  - 113.2 Checks. Personal checks, cashier's checks and money orders made payable to the filing office shall be accepted.
  - 113.3 Any other form of payment approved by the filing office may be accepted.
114. Overpayment and underpayment policies.
- 114.1 Overpayment. The filing officer shall refund the amount of an overpayment exceeding \$10.00 to the remitter.
  - 114.2 Underpayment. Upon receipt of a record with an insufficient fee, the filing officer shall return the record and insufficient fee to the remitter notifying the remitter of the proper fee.
115. Public records service. Public records services are provided on a nondiscriminatory basis to any member of the public. The following methods are available for obtaining copies of UCC documents and information from the UCC information system.
- 115.1 Individually identified documents are available in the parish filing office. Contact the filing office in the parish where the document was filed (Attachment A). The parish of filing can be determined by the two digits preceding the file number. The parish code is a numeric identifier.
  - 115.2 Data from the information management system is available through direct access - contact the Secretary of State's Office (225)342-5542 for details.
116. Reserved
117. New practices and technologies. The filing officer is authorized to adopt practices and procedures to accomplish receipt, processing, maintenance, retrieval and transmission of, and remote access to, Article 9 filing data by means of electronic, voice, optical and/or other technologies, and, without limiting the foregoing, to maintain and operate, in addition to a paper-based system, a non-paper-based Article 9 filing system utilizing any of such technologies. In developing and utilizing technologies and practices, the filing office shall, to the greatest extent feasible, take into account compatibility and consistency with, and whenever possible be uniform with, technologies, practices, policies and regulations adopted in connection with Article 9 filing systems in other states.

Numbers 118 – 199 are reserved.

## **Section 2 – Acceptance and Refusal of Records**

200. Policy Statement. The duties and responsibilities of the filing officer with respect to the administration of the UCC are ministerial. In accepting for filing or refusing to file a UCC document pursuant to these rules, the filing officer does none of the following:
- 200.1 Determine the legal sufficiency or insufficiency of a document.
  - 200.2 Determine that a security interest in collateral exists or does not exist.

200.3 Determine that information in the document is correct or incorrect, in whole or in part.

200.4 Create a presumption that information in the document is correct or incorrect, in whole or in part.

201 Duty to file. Provided that there is no ground to refuse acceptance of the record under rule 202, a UCC record is filed upon its receipt by the filing officer with the filing fee and the filing officer shall promptly assign a file number to the UCC record and index it in the information management system.

202 Grounds for refusal of UCC record. A filing office may refuse to accept a record for filing only because:

202.1 The record is not communicated by a method or medium of communication authorized by the filing office.

202.2 An amount equal to or greater than the applicable fee is not tendered.

202.3 In the case of an initial financing statement, the record does not provide a name for the debtor.

202.4 The filing office is unable to read or decipher the information.

In the case of an amendment or correction statement, the record:

202.5 does not identify the initial financing statement as required by R.S. 10:9-512 or 9-518, as applicable

202.6 identifies an initial financing statement whose effectiveness has lapsed under R.S. 10:9-515.

In the case of an initial financing statement that provides the name of a debtor identified as an individual or an amendment that provides a name of a debtor identified as an individual that was not previously provided in the financing statement to which the record relates,

202.7 the record does not identify the debtor's last name.

In the case of an initial financing statement or an amendment that adds a secured party of record,

202.8 the record does not provide a name and mailing address for the secured party of record

In the case of an initial financing statement or an amendment that provides a name of a debtor which was not previously provided in the financing statement to which the amendment relates, the record does not:

202.9 provide a mailing address for the debtor

202.10 indicate whether the debtor is an individual or an organization

202.11 if the financing statement indicates that the debtor is an organization, provide:

202.11.1 a type of organization for the debtor

202.11.2 a jurisdiction or organization for the debtor, or

202.11.3 an organizational identification number for the debtor or indicate that the debtor has none

In the case of an assignment reflected in an initial financing statement under R.S. 10:9-514(a) or an amendment filed under R.S. 10:9-514(b),

202.12 the record does not provide a name and mailing address for the assignee.

In the case of a continuation statement,

202.13 the record is not filed within the six-month period prescribed by R.S. 10:9-515(d).

203 Reserved.

204. Time limit. The filing office shall determine whether criteria exist to refuse acceptance of a UCC record for filing not later than the second business day after the date the document would have been filed had it been accepted for filing and shall index UCC records not so refused within the same time period.
205. Procedure upon refusal. If the filing officer finds grounds under 202 to refuse a UCC record, the filing officer shall return the document to the remitter, state the reason for the rejection, and refund the filing fee.
206. Acknowledgment. At the request of a filer or remitter who files a paper or paper-based UCC document, the filing officer shall either:
- 206.1 send to said remitter an image of the record of the UCC document showing the filing number assigned to it and the date and time of filing, or
- 206.2 if such remitter provides a copy of such UCC document, note the file number and the date and time of filing on the copy and deliver or send it to said remitter.
207. Notification of defects. Nothing in these rules prevents a filing officer from communicating to a filer or a remitter that the filing officer noticed apparent potential defects in a UCC document. However, the filing office is under no obligation to do so and may not, in fact, have the resources to do so or to identify such defects. The responsibility for the legal effectiveness of filing rests with filers and remitters and the filing office bears no responsibility for such effectiveness.

Numbers 208 – 299 are reserved.

### **Section 3 – UCC Information Management System**

- 300 Policy statement. The Secretary of State uses an information management system to store, index, and retrieve information relating to financing statements. The information management system includes an index of the names of debtors named on financing statements which have not lapsed. The rules in this section describe the UCC information management system.
- 301 Primary data elements. The primary data elements used in the UCC information management system are the following:
- 301.1 Identification numbers
- 301.1.1 Each initial financing statement is identified by a unique file number assigned by the filing officer. Identification of the initial financing statement is stamped on written UCC documents or otherwise permanently associated with the record maintained for UCC documents in the UCC information management system. A record is created in the information management system for each initial financing statement and all information comprising such record is maintained in such system. Such record is identified by the same information assigned to the initial financing statement.
- 301.1.2 A UCC document other than an initial financing statement is also identified by a unique file number assigned by the filing officer. In the information management system, records of all UCC documents other than initial financing statements are linked to the record of their related initial financing statement.

- 301.2 Type of document. The type of UCC document from which data is transferred is identified in the information management system from information supplied by the remitter.
- 301.3 Filing date and time. The filing date and filing time of UCC documents are stored in the information management system. Calculation of the lapse date of an initial financing statement is based upon the filing date.
- 301.4 Identification of parties. The names and addresses of debtors and secured parties are transferred from UCC documents to the UCC information management system using one or more data entry or transmittal techniques.
- 301.5 Status of financing statement. In the information management system, each financing statement has a status of active or inactive.
- 301.6 Page Count. The total number of pages on an initial financing statement document is maintained in the information management system
- 301.7 Lapse indicator. An indicator is maintained by which the information management system identifies whether or not a financing statement will lapse and, if it does, when it will lapse. The lapse date is determined as provided in rule 404.
- 302 Names of debtors who are individuals. For the purpose of this rule, “individual” means a human being, or a decedent in the case of a debtor that is such decedent’s estate. This rule applies to the name of a debtor or a secured party on a UCC document who is an individual.
- 302.1 Individual name fields. The names of individuals are stored in files that include only the names of individuals, and not the names or organizations. Separate data entry fields are established for first (given), middle (given), and last names (surnames or family names) of individuals. Suffixes that indicate which individual is being named, such as “senior,” “junior,” “I,” “II,” and “III,” are entered in the last name field and separated from the last name with a comma. A filer should place the name of a debtor with a single name (e.g., “Cher”) in the last name field. The filing officer assumes no responsibility for the accurate designation of the components of a name but will accurately enter the data in accordance with the filer’s designations.
- 302.2 Titles and prefixes before names. Titles and prefixes, i.e. “doctor,” “reverend,” “Mr.,” “Ms.” should not be entered in the UCC information system. However, as provided in rule 407.2, when a UCC document is submitted with designated name fields, the data will be entered in the UCC information management system exactly as it appears.
- 302.3 Titles and suffixes after names. Titles or indications of status such as “M.D.” and “esquire” shall not be entered in the UCC information management system. Suffixes are not part of an individual’s name and should not be provided by filers in UCC documents; however, if a suffix is provided which indicates lineage i.e. “senior,” “junior,” etc rule 302.1 will apply. In either case, as provided in rule 407.2, when a UCC document is submitted with designated name fields, the data will be entered in the UCC information management system exactly as it appears.
- 302.4 Truncation – individual names. Personal name fields in the UCC database are fixed in length. Although filers should continue to provide full names on their UCC documents, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the data entry field. The length of data entry name fields are as follows:
- 302.4.1 First name: 17 characters
- 302.4.2 Middle name: 17 characters
- 302.4.3 Last name: 26 characters

- 303 Names of debtors that are organizations. This rule applies to the name of an organization who is a debtor or a secured party on a UCC document.
- 303.1 Single field. The names of organizations are stored in files that include only the names of organizations and not the names of individuals. A single field is used to store and organization name.
- 303.2 Truncation organization names. The organization name field in the UCC database is fixed in length. The maximum length is 60 characters. Although filers should continue to provide full names on their UCC documents, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the data entry field.
- 304 Estates. Although they are not human beings, estates are treated as if the decedent were the debtor under rule 302.
- 305 Trusts. If the trust is named in its organic document(s), its full legal name, as set forth in such document(s), is used. Such trusts are treated as organizations. If the trust is not so named, the name of the settlor is used. If a settlor is indicated to be an organization, the name is treated as an organization name. If the settlor is an individual, the name is treated as an individual name. A UCC document that uses a settlor's name should include other information provided by the filer to distinguish the debtor trust from other trusts having the same settlor and all financing statements filed against trusts or trustees acting with respect to property held in trust should indicate the nature of the debtor. If this is done in, or as part of, the name of the debtor, it will be entered as if it were a part of the name under rules 407 and 408.
- 306 Initial financing statement. Upon the filing of an initial financing statement the status of the parties and the status of the financing statement shall be as follows:
- 306.1 Status of secured party. Each secured party named on an initial financing statement shall be a secured party of record, except that if the UCC document names an assignee, the secured party/assignor shall not be a secured party of record and the secured party/assignee shall be a secured party of record.
- 306.2 Status of debtor. The status of a debtor named on a document shall be active and shall continue as active until one year after the financing statement lapses.
- 306.3 Status of financing statement. A lapse date shall be calculated, five years from the filing date, unless the initial financing statement indicates that it is filed with respect to a public financing transaction, in which case the lapse date shall be thirty years from the filing date, or if the initial financing statement indicates that it is filed against a transmitting utility, in which case there shall be no lapse date. A financing statement remains active until one year after it lapses, or if it is indicated to be filed against a transmitting utility, until one year after it is terminated with respect to all secured parties of record.
- 307 Amendment. Upon the filing of an amendment the status of the parties and status of the financing statement shall be as follows:
- 307.1 Status of secured party and debtor. An amendment shall affect the status of its debtor(s) and secured party(ies) as follows:
- 307.1.1 Collateral amendment or address change. An amendment that amends only the collateral description or one or more addresses has no effect upon the status of any debtor or secured party. If a statement of amendment is authorized by less than all of the secured parties (or,

in the case of an amendment that adds collateral, less than all of the debtors), the statement affects only the interests of each authorizing secured party (or debtor).

307.1.2 Debtor name change. An amendment that changes a debtor's name has no effect on the status of any debtor or secured party, except that the related initial financing statement and all UCC documents that include an identification of such initial financing statement shall be cross-indexed in the UCC information management system so that a search under either the debtor's old name or the debtor's new name will reveal such initial financing statement and such related UCC documents. Such a statement of amendment affects only the rights of its authorizing secured party(ies).

307.1.3 Secured party name change. An amendment that changes the name of a secured party has no effect on the status of any debtor or any secured party, but the new name is added to the index as if it were a new secured party of record.

307.1.4 Addition of a debtor. An amendment that adds a new debtor name has no effect upon the status of any party to the financing statement, except the new debtor name shall be added as a new debtor on the financing statement. The addition shall affect only the rights of the secured party(ies) authorizing the statement of amendment.

307.1.5 Addition of a secured party. An amendment that adds a new secured party shall not affect the status of any party to the financing statement, except that the new secured party name shall be added as a new secured party on the financing statement.

307.1.6 Deletion of a debtor. An amendment that deletes a debtor has no effect on the status of any party to the financing statement, even if the amendment purports to delete all debtors.

307.1.7 Deletion of a secured party. An amendment that deletes a secured party of record has no effect on the status of any part to the financing statement, even if the amendment purports to delete all secured parties of record.

307.2 Status of financing statement. The filing office shall act on any UCC record filed with the filing office by adding information obtained from the UCC record to the information system. The filing office shall not act on any UCC record by deleting any information from the information system. An amendment shall have no effect upon the status of the financing statement or parties, except that a continuation may extend the period of effectiveness of a financing statement.

The filing office may remove the UCC record and delete the names under which it was indexed one year after lapse.

A financing statement filed against a transmitting utility shall lapse when terminated by the last secured party of record.

308. Assignment of powers of secured party of record.
- 308.1 Status of parties. An assignment shall have no effect on the status of the parties to the financing statement, except that each assignee named in the assignment shall become a secured party of record.
- 308.2 Status of financing statement. An assignment shall have no effect upon the status of the financing statement.
- 309 Continuation.
- 309.1 Continuation of lapse date. Upon the timely filing of one or more continuations by any secured party(ies) of record, the lapse date of the financing statement shall be postponed for five years.
- 309.2 Status of parties. The filing of a continuation shall have no effect upon the status of any party to the financing statement.
- 309.3 Status of financing statement. Upon the filing of a continuation statement, the status of the financing statement remains active.
- 310 Termination.
- 310.1 Status of parties. The filing of a termination shall have no effect upon the status of any party to the financing statement.
- 310.2 Status of financing statement. A termination shall have no effect upon the status of the financing statement and the financing statement shall remain active in the information management system until one year after it lapses, unless the termination relates to a financing statement that indicates it is filed against a transmitting utility, in which case the financing statement will become inactive one year after it is terminated with respect to all secured parties of record.
- 311 Debtor Correction Statement/Filing Office Correction Statement.
- 311.1 Status of parties. The filing of a debtor correction statement or a filing office correction statement shall have no effect upon the status of any party to the financing statement.
- 311.2 Status of financing statement. A debtor correction statement or a filing office correction statement shall have no effect upon the status of the financing statement.
- 312 Procedure upon lapse. If there is no timely filing of a continuation with respect to a financing statement, the financing statement lapses on its lapse date but no action is then taken by the filing office. On the first anniversary of such lapse date, the information management system renders or is caused to render the financing statement inactive and the financing statement will no longer be made available to a searcher.

Numbers 313 through 399 are reserved.

#### **Section 4 -- Filing and Data Entry Procedures**

- 400 Policy Statement. This section contains rules describing the filing procedures of the filing officer upon and after receipt of a UCC document. It is the policy of the filing officer to promptly file a document that conforms to these rules. Except as provided in these rules, data are transferred from a UCC document to the information management system exactly as the data are set forth in the document. Personnel who create reports in response to search requests type search criteria exactly as set forth on the search request. No effort is made to detect or correct errors of any kind.

401. Document indexing and other procedures before archiving.
- 401.1 Date and time stamp. The date and time of receipt are noted on the document or otherwise permanently associated with the record maintained for a UCC document in the UCC information management system at the earliest possible time.
- 401.2 Cash Management. Since UCC documents are presented to any of the 64 parish filing offices (see Attachment A), they should be contacted directly for methods of payment.
- 401.3 Document review. The filing office determines whether a ground exists to refuse the document under 202.
- 401.3.1 File stamp. If there is no ground for refusal of the document, the document is stamped or deemed filed and a unique identification number and the filing date is stamped on the document or permanently associated with the record of the document maintained in the UCC information management system. The sequence of the identification number is not an indication of the order in which the document was received.
- 401.3.2 Correspondence. If there is a ground for refusal of the document, notification of refusal to accept the document is prepared as provided in rule 205. If there is no ground for refusal of the document, an acknowledgment of filing is prepared as provided in rule 206. If the UCC document was tendered in person notice of refusal or acknowledgment of the filing is given to the remitter by personal delivery. Acknowledgment of filing or notice of refusal of a UCC document tendered by means other than personal delivery is sent by regular mail to each named secured party named on the UCC document and to the remitter if the remitter so requests.
- 401.4 Date Entry. Data entry and indexing functions are performed as described in this section.
402. Filing date. The filing date of a UCC document is the date the UCC document is received with the proper filing fee if the filing office is open to the public on that date, or if the filing office is not so open on that date, the filing date is the next date the filing office is so open, except that, in each case UCC documents received after 5:00 p.m. shall be deemed received on the following day. The filing officer may perform any duty relating to the document on the filing date or on a date after filing date.
403. Filing time. The filing time of a UCC document varies among the 64 parishes. You may contact the filing office by calling the numbers provided on Attachment A.
404. Lapse date and time. A lapse date is calculated for each initial financing statement (unless the debtor is indicated to be a transmitting utility). The lapse date is the same date of the same month as the filing date in the fifth year after the filing date or relevant subsequent fifth anniversary thereof if timely continuation statement is filed, but if the initial financing statement indicates that it is filed with respect to a public finance transaction, the lapse date is the same date of the same month as the filing date in the thirtieth year after the filing date. The lapse takes effect at midnight at the end of the lapse date. The relevant anniversary for a February 29 filing date shall be the March 1 in the fifth year following the year of the filing date.
405. Errors of the filing officer. The filing office may correct the errors of filing office personnel in the UCC information management system at any time. If the correction occurs after the filing officer has issued a certification date that includes the filing date of a corrected document, the filing officer shall file a filing officer correction statement in the UCC information management system identifying the record to which it relates, the date of the correction, and explaining the nature of the corrective action taken. The record shall be

preserved as long as the record of the initial financing statement is preserved in the UCC information management system.

406 Errors other than filing office errors. An error by a filer is the responsibility of such filer. It can be corrected by filing an amendment or it can be disclosed by a debtor correction statement.

407 Data entry of names - designated fields. A filing should designate whether a name is a name of an individual or an organization. If the name is that of an individual, the first, middle and last names and any suffix shall be given.

407.1 Organization names. Organization names are entered into the UCC information management system exactly as set forth in the UCC document, even if it appears that multiple names are set forth in the document or if it appears that the name of an individual has been included in the field designated for an organization name.

407.2 Individual names. On a form that designates separate fields for first, middle, and last names the filing officer enters the names into the first, middle, and last name fields in the UCC information management system exactly as set forth on the form.

407.3 Designated fields encouraged. The filing office encourages the use of forms that designate separate fields for individual and organization names and separate fields for first, middle, and last names and any suffix. Such forms diminish the possibility of filing office error and help assure that filers' expectations are met. However, filers should be aware that the inclusion of names in an incorrect field or failure to transmit names accurately to the filing office may cause filings to be ineffective.

408. Data entry of name - no designated fields. A UCC document that is an initial financing statement or an amendment that adds a debtor to a financing statement and that fails to specify whether the debtor is an individual or an organization should be refused by the filing office. If it is accepted for filing, the following rules shall apply.

408.1 Identification of organizations. When not set forth in a field designated for individual names, a name is treated as an organization name if it contains words or abbreviations that indicate status such as the following and similar words or abbreviations in foreign languages; association, church, college, company, co, corp., corporation, inc., limited, ltd., club, foundation, fund, L.L.C., limited liability company, institute, society, union, syndicate, GmBH, S.A. de C.V., limited partnership, L.P., limited liability partnership, L.L.P., trust, business trust, co-op, cooperative and other designations established by statutes to indicate a statutory organization. In cases where organization or individual status is not designated by the filer and is not clear, the filing officer will use their own judgment.

408.2 Identification of individuals. A name is entered as the name of an individual and not the name of an organization when the name is followed by a title substantially similar to one of the following titles, or the equivalent of one of the following titles in a foreign language: proprietor, sole proprietor, proprietorship, sole proprietorship, partner, general partner, president, vice president, secretary, treasurer, M.D., O.D., D.D.S., attorney at law, Esq., accountant, CPA. In such cases, the title is not entered.

408.3 Individual and organization names on a single line. Even when it is apparent that the name of an individual and the name of an entity are stated on a single line and not in a designated individual name field, the name of the individual and the name of the entity shall be entered exactly as set forth in the UCC document in the organization database.

408.4 Individual names. If a filing fails to designate first, middle and last name of an individual debtor, the following data entry rules apply.

- 408.4.1 Freestanding initials. An initial in the first position of the name is treated as a first name. An initial in the second position of the name is treated as a middle name.
- 408.4.2 Combined initials and names. An initial and a name to which the initial apparently corresponds is entered into one name field only (i.e. “D. (David)” in the name “John D. (David) Rockefeller” is entered as “John” (first name); “D. (David)” (middle name); “Rockefeller” (last name)).
- 408.4.3 Multiple individual names on a single line. Two individual names contained in a single line are entered as two, different debtors (John and Mary Smith is entered as two, different debtors: John Smith, Mary Smith)
- 408.4.4 One word names. A one word name is entered as a last name (i.e. “Cher” is treated as a last name).
- 408.4.5 Nicknames. A nickname is entered in the name field together with the name preceding the nickname, or if none, then as the first name (i.e. “William (Bill) Jones”).

409. Verification of data entry. The filing officer uses the following procedures to verify the accuracy of data entry tasks.

409.1 Visual inspection of data entry is employed for data in the following fields:

- 409.1.1 Date of Filing
- 409.1.2 Time of Filing
- 409.1.3 Alternate Designation (if applicable - i.e. consignment, lease, etc)
- 409.1.4 Transmitting Utility/Public Finance Authority Designation (if applicable)
- 409.1.5 Debtor Name
- 409.1.6 Debtor Address
- 409.1.7 Additional Information Regarding Organizational Debtor
- 409.1.8 Secured Party Name
- 409.1.9 Secured Party Address
- 409.1.10 Collateral Description
- 409.1.11 Fixture/As-extracted collateral/Standing Timber Designation (if applicable)
- 409.1.12 Owner of Real Property Information (if applicable)
- 409.1.13 “Return Copy To” Information

UCC-3 filings - in addition to the above information the following data elements are also verified on a UCC3 filing:

- 409.1.14 Original Financing Statement File Number
- 409.1.15 Type of UCC3 Filing

410 Initial financing statement. A new record is opened in the UCC information management system for each initial financing statement that bears the file number of the financing statement and date and time of filing.

410.1 The name and address of each debtor that are legibly set forth in the financing statement are entered into the record of the financing statement. Each such debtor name is included in the searchable index and is not removed until one year after the financing statement lapses.

410.2 The name and address of each secured party that are legibly set forth in the financing statement are entered into the record of the financing statement.

410.3 The record is indexed according to the name of the debtor(s) and is maintained for public inspection.

410.4 A lapse date is established for the financing statement, unless the initial financing statement indicates it is filed against a transmitting utility, and the lapse date is maintained as part of the record.

411 Amendment. A record is created for the amendment that bears the file number for the amendment and the date and time of filing.

411.1 The record of the amendment is associated with the record of the related initial financing statement in a manner that causes the amendment to be retrievable each time a record of the financing statement is retrieved.

411.2 The name and address of each additional debtor and secured party is entered into the UCC information management system in the record of the financing statement. Each such additional debtor name is added to the searchable index and is not removed until one year after the financing statement lapses.

411.3 If the amendment is a continuation, a new lapse date is established for the financing statement and maintained as part of its record.

412. Debtor correction statement. A record is created for the debtor correction statement that bears the file number for the debtor correction statement and the date and time of filing. The record of the debtor correction statement is associated with the record of the related initial financing statement in a manner that causes the debtor correction statement to be retrievable each time a record of the financing statement is retrieved.

413. Master Assignment/Master Amendment - a record is created for the master assignment/amendment that bears the file number for the master assignment/amendment and the date and time of filing.

413.1 The filing officer may accept for filing a single UCC document for the purpose of amending at least 20 financing statements in the filing officer's parish for one or both of the following purposes: amendment to change secured party name and/or address or for filing an assignment.

413.2 A blanket filing shall consist of a written document describing the requested master assignment/amendment on a form approved by the Secretary of State.

Numbers 414-416 are reserved.

417 Notice of bankruptcy. The filing officer shall take no action upon receipt of a notification, formal or informal, of a bankruptcy proceeding involving a debtor named in the UCC information management system.

Numbers 418-499 are reserved.

## **Section 5--Search Requests and Reports**

500 General requirements. The filing officer maintains for public inspection a searchable index for all records of UCC documents. The index shall provide for the retrieval of a record by the name of the debtor and by the file number of the initial financing statement and each filed UCC document relating to the initial financing statement.

501. Search requests. Search requests shall contain the following information
- 501.1 Name searched. A search request should set forth the correct name of the debtor to be searched and must specify whether the debtor is an individual or an organization. A search request will be processed using the name in the exact form it is submitted.
- 501.2 Requesting party. The name and address of the person to whom the search report is to be sent.
- 501.3 Fee. The appropriate fee shall be enclosed, payable by a method described in rule 113.
- 501.4 Search request with filing. If a filer requests a search at the time a UCC document is filed, by checking the box on the form set forth in R.S. 10:9-521 or otherwise, the name to be searched will be the debtor name as set forth on the form, the requesting party will be the remitter of the UCC document, and the search request will be deemed to request a search that would be effective to retrieve all financing statements filed on or prior to the date the UCC document is filed.
502. Optional information. A UCC search request may also contain a request that copies of documents referred to in the certificate be included with the report. The request may limit the copies requested by identifying specific file numbers.
503. Rules applied to search requests. Search results are produced by the application of standardized search logic to the name presented to the filing officer. Human judgment does not play a role in determining the results of the search. The following rules apply to searches.
- 503.1 There is no limit to the number of matches that may be returned in response to the search criteria.
- 503.2 No distinction is made between upper and lower case letters.
- 503.3 Punctuation marks and accents are disregarded
- 503.4 Words and abbreviations at the end of a name that indicate the existence or nature of an organization as set forth in the “Ending Noise Words” list as promulgated and adopted by the International Association of Corporation Administrators are disregarded. Such words are included in section 408.1 of these rules.
- 503.5 The word “the” at the beginning of the search criteria is disregarded.
- 503.6 All spaces are disregarded.
- 503.7 For first and middle names of individuals, initials are treated as the logical equivalent of all names that begin with such initials, and first name and no middle name or initial is equated with all middle names and initials. For example, a search request for “John A. Smith” would cause the search to retrieve all filings against all individual debtors with “John” or the initial “J” as the first name, “Smith” as the last name, and with the initial “A” or any name beginning with “A” in the middle name field. If the search request were for “John Smith” (first and last names with no designation in the middle name field), the search would retrieve all filings against individual debtors with “John” or the initial “J” as the first name, “Smith” as the last name and with any name or initial or no name or initial in the middle name field.
- 503.8 After using the preceding rules to modify the name to be searched, the search will reveal names of debtors that are contained in unexpired, or if the searcher requests, all active financing statements and exactly match the name requested, as modified.
504. Search responses. Reports created in response to a search request shall include the following.
- 504.1 Filing officer. Identification of the filing officer and the certification of the filing officer required by law.

- 504.2 Report date. The date the report was generated
- 504.3 Name searched. Identification of the name searched.
- 504.4 Certification date. The certification date and time for which the search is effective.
- 504.5 Identification of initial financing statements. Identification of each unexpired initial financing statement, or if requested all active financing statements filed on or prior to the certification date and time corresponding to the search criteria, by name of debtor, by identification number, and by file date and file time.
- 504.6 History of financing statement. For each initial financing statement on the report, a listing of all related UCC documents filed by the filing officer on or prior to the certification date.
- 504.7 Copies. Copies of all UCC documents revealed by the search and requested by the searcher.

Numbers 505 through 599 are reserved.